

Executive Summary – Enforcement Matter – Case No. 45213
Enterprise Products Operating LLC
RN102323268
Docket No. 2012-2086-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Enterprise Mont Belvieu Complex, 10207 Farm-to-Market 1942, Mont Belvieu, Chambers County

Type of Operation:

Industrial natural gas liquids fractionating plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2012-0134-AIR-E and 2011-1356-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 8, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$10,000

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$5,000

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$5,000

Name of SEP: Barbers Hill Independent School District

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: \$18,500

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 45213
Enterprise Products Operating LLC
RN102323268
Docket No. 2012-2086-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 25, 2012

Date(s) of NOE(s): August 17, 2012

Violation Information

Failed to prevent unauthorized emissions. Since this emissions event could have been avoided by better operating practices and was reported late, Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 116.715(a), TCEQ Flexible Permit Nos. 76070 and PSDTX1057, Special Conditions No. 1, and Permit Nos. 20698 and PSDTX797M1, Special Conditions No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By August 9, 2010, the Respondent implemented procedures to prevent recurrence of emissions events due to same or similar causes Incident No. 165657.

Technical Requirements:

The Order will require Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

Executive Summary – Enforcement Matter – Case No. 45213
Enterprise Products Operating LLC
RN102323268
Docket No. 2012-2086-AIR-E

Respondent: Robert E. Moss, Vice President - Houston Region Operations,
Enterprise Products Operating LLC, P.O. Box 4324, Houston, Texas 77210-4324
Jon Fields, Senior Environmental Manager, Enterprise Products Operating LLC, P.O.
Box 573, Mont Belvieu, Texas 77580

Respondent's Attorney: N/A

Attachment A
Docket Number: 2012-2086-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Enterprise Products Operating LLC
Penalty Amount:	Ten Thousand Dollars (\$10,000)
SEP Offset Amount:	Five Thousand Dollars (\$5,000)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Recipient:	Barbers Hill Independent School District
Project Name:	<i>Barbers Hill Energy Efficiency Program</i>
Location of SEP:	Chambers and Harris Counties

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the **Barbers Hill Independent School District** for the *Barbers Hill Energy Efficiency Program*. The contribution will be used in accordance with the SEP agreement between the Third-Party Recipient and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used for: 1) the cost of conducting energy efficiency audits; 2) the incremental cost for construction or implementation of energy-efficiency upgrades (versus the cost of non-energy efficiency upgrades); 3) the incremental cost of purchase of more energy-efficient equipment or appliances (versus the cost of purchasing non-energy efficient equipment or appliances); or 4) other direct costs authorized in advance by TCEQ.

The Third-Party Recipient shall use the SEP Offset Amount to conduct energy efficiency audits on its buildings to prioritize implementation of energy efficiency projects. The Third-Party Recipient shall submit the results of those audits along with any proposed modifications and associated budgets and proposal for expenditure to TCEQ. Modifications may include weatherization, cool roofs, energy-reduction modifications such as replacing heating, ventilation, and cooling systems with more efficient boilers, motors, and variable-speed drives; reducing energy and maintenance costs by installing centralized energy management systems; lowering electric lighting and cooling loads and

Enterprise Products Operating LLC
Agreed Order - Attachment A

boosting productivity through increased use of day-lighting, installation of light emitting diode traffic lights, and use of renewable energy sources.

The Third-Party Recipient shall quantify the environmental benefit of each project and submit the results of those calculations to TCEQ within 90 days of completion of each project.

The Third-Party Recipient certifies that it has no prior budgetary commitment to do this project nor is it receiving duplicative funding. The Third-Party Recipient agrees to disclose to TCEQ any additional sources of funding it receives to perform any portion of the projects described herein or for which it intends to utilize the SEP Offset Amount. The Third-Party Recipient certifies that it shall not use the SEP Offset Amount to assist in complying with any governmental rule or regulation and that it is not required to perform this project under any existing rule or law. The Third-Party Recipient agrees to use a competitive bid process or other mechanism to ensure that costs of the project are reasonable and customary. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment.

Respondent's signature affixed to this Agreed Order certifies that Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Implementation of this project will reduce fuel and electricity usage for heating and cooling and other day-to-day operations. These reductions will reduce emissions of particulate matter, volatile organic carbon compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel and generation of electricity.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall make the check

Enterprise Products Operating LLC
Agreed Order - Attachment A

payable to **Barbers Hill Independent School District SEP** and shall mail the contribution with a copy of the Agreed Order to:

John Johnson, Esquire
Carl R. Griffith & Associates, Inc.
2901 Turtle Creek Drive, Suite 445
Port Arthur, Texas 77642

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3, above the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	20-Aug-2012	Screening	28-Sep-2012	EPA Due	
	PCW	8-Oct-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	Enterprise Products Operating LLC		
Reg. Ent. Ref. No.	RN102323268		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	45213	No. of Violations	1
Docket No.	2012-2086-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Nadia Hameed
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$10,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **210.0%** Enhancement **Subtotals 2, 3, & 7** **\$21,000**

Notes: Enhancement for 13 NOVs with same/similar violations, 21 NOVs with dissimilar violations, four orders with denial of liability, and one order without denial of liability. Reduction for two notices of intent to conduct an audit.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$2,500**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts \$202
Approx. Cost of Compliance \$2,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$28,500**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$28,500**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$10,000**

DEFERRAL **0.0%** Reduction **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$10,000**

Screening Date 28-Sep-2012

Docket No. 2012-2086-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 2 (September 2002)

Case ID No. 45213

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	13	65%
	Other written NOVs	21	42%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 210%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for 13 NOVs with same/similar violations, 21 NOVs with dissimilar violations, four orders with denial of liability, and one order without denial of liability. Reduction for two notices of intent to conduct an audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 210%

Screening Date 28-Sep-2012

Docket No. 2012-2086-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 2 (September 2002)

Case ID No. 45213

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102323268

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 116.715(a), TCEQ Flexible Permit Nos. 76070 and PSDTX1057, Special Conditions No. 1, and Permit Nos. 20698 and PSDTX797M1, Special Conditions No. 1 and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 43,194 pounds ("lbs") of isooctene from the IsoOctene Columns Bottom Filter ("ICBF"), Emissions Point Number ("EPN") F-1, and 494.93 lbs of volatile organic compounds, 315.50 lbs of carbon monoxide and 186.64 lbs of nitrogen oxide from the North Flare, EPN 45, during an emissions event (Incident No. 165657) that began on August 3, 2008 and lasted nine hours and thirty-seven minutes. The emissions event occurred when the Respondent failed to test the material compatibility of the O-ring in the gasket with the material in the ICBF, which resulted in a leak. Since this emissions event could have been avoided by better operating practices and was reported late, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$10,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	x
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$10,000

One daily event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$2,500

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent completed the corrective actions on August 9, 2010, prior to the August 17, 2012 NOE.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$202

Violation Final Penalty Total \$28,500

This violation Final Assessed Penalty (adjusted for limits) \$10,000

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC

Case ID No. 45213

Reg. Ent. Reference No. RN102323268

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	3-Aug-2008	9-Aug-2010	2.02	\$202	n/a	\$202

Notes for DELAYED costs

Estimated expense to implement procedures to prevent recurrence of emissions events due to similar casues as Incident No. 165657. The Date Required is the date of the emissions event and the Final Date is the date the corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$202

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN603211277, RN102323268, Rating Year 2011 which includes Compliance History (CH) components from September 1, 2006, through August 31, 2011.

Customer, Respondent, or Owner/Operator:	CN603211277, Enterprise Products Operating LLC	Classification:	AVERAGE	Rating:	2.31
Regulated Entity:	RN102323268, ENTERPRISE MONT BELVIEU COMPLEX	Classification:	AVERAGE	Rating:	4.02
Complexity Points:	0	Repeat Violator:	NO		
CH Group:	03 - Oil and Gas Extraction				
Location:	10207 FM 1942 MONT BELVIEU, TX 77580, CHAMBERS COUNTY				
TCEQ Region:	REGION 12 - HOUSTON				

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXT490013455
AIR OPERATING PERMITS ACCOUNT NUMBER CI0008R
POLLUTION PREVENTION PLANNING ID NUMBER
P00218
WASTEWATER EPA ID TX0102326
AIR NEW SOURCE PERMITS PERMIT 20698
AIR NEW SOURCE PERMITS PERMIT 76070
AIR NEW SOURCE PERMITS PERMIT 5581
AIR NEW SOURCE PERMITS PERMIT 8418
AIR NEW SOURCE PERMITS PERMIT 8707
AIR NEW SOURCE PERMITS REGISTRATION 71649
AIR NEW SOURCE PERMITS REGISTRATION 72757
AIR NEW SOURCE PERMITS PERMIT 22114
AIR NEW SOURCE PERMITS EPA ID PSDTX790
AIR NEW SOURCE PERMITS EPA ID PSDTX1057
AIR NEW SOURCE PERMITS REGISTRATION 85477
AIR NEW SOURCE PERMITS REGISTRATION 85755
AIR NEW SOURCE PERMITS REGISTRATION 94065
AIR NEW SOURCE PERMITS REGISTRATION 94133
AIR NEW SOURCE PERMITS EPA ID PSDTX1286
AIR NEW SOURCE PERMITS EPA ID N154
AIR NEW SOURCE PERMITS PERMIT 100091
AIR NEW SOURCE PERMITS REGISTRATION 103498
STORMWATER PERMIT TXR05AV96
AIR EMISSIONS INVENTORY ACCOUNT NUMBER CI0008R

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 31038
AIR OPERATING PERMITS PERMIT 1641
WASTEWATER PERMIT WQ0002940000

AIR NEW SOURCE PERMITS AFS NUM 4807100007
AIR NEW SOURCE PERMITS ACCOUNT NUMBER CI0008R
AIR NEW SOURCE PERMITS PERMIT 22105
AIR NEW SOURCE PERMITS PERMIT 22113
AIR NEW SOURCE PERMITS PERMIT 6798
AIR NEW SOURCE PERMITS PERMIT 21945
AIR NEW SOURCE PERMITS PERMIT 19930
AIR NEW SOURCE PERMITS REGISTRATION 5581A
AIR NEW SOURCE PERMITS EPA ID PSDTX655
AIR NEW SOURCE PERMITS EPA ID PSDTX790M1
AIR NEW SOURCE PERMITS REGISTRATION 82841
AIR NEW SOURCE PERMITS REGISTRATION 87477
AIR NEW SOURCE PERMITS REGISTRATION 93268
AIR NEW SOURCE PERMITS REGISTRATION 94067
AIR NEW SOURCE PERMITS REGISTRATION 95777
AIR NEW SOURCE PERMITS REGISTRATION 101478
AIR NEW SOURCE PERMITS REGISTRATION 101481
AIR NEW SOURCE PERMITS REGISTRATION 103076
AIR NEW SOURCE PERMITS REGISTRATION 105671
STORMWATER PERMIT TXR05AT86
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 31038

Compliance History Period: September 01, 2006 to August 31, 2011 **Rating Year:** 2011 **Rating Date:** 09/01/2011

Date Compliance History Report Prepared: October 31, 2012

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 04, 2007 to September 04, 2012

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Nadia Hameed **Phone:** (713) 767-3629

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3) If YES for #2, who is the current owner/operator? N/A
4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A.Final Orders, court judgments, and consent decrees:

- 1 **Effective Date: 11/06/2008 ADMINORDER 2007-1162-AIR-E (Findings Order)**
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 116, SubChapter B 116.116(b)(1)(C)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: NSR Permit 8707 Application Representati PERMIT
Description: Enterprise Products failed to maintain an emission rate below permit application representations of 1.12 lbs/hr of VOCs.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 116, SubChapter B 116.116(b)(1)(C)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: NSR Permit No. 6798 PERMIT
Description: Enterprise Products failed to maintain an emission rate below permit application representations of 1.61 lbs/hr of VOCs.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 116, SubChapter B 116.116(b)(1)(C)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: No. 5581, Special Condition No.1 PERMIT
NSR Permit No. 5581, Application Reps. PERMIT
Description: Enterprise Products failed to maintain an emission rate below permitted limits of 0.13 lbs/hr.
- 2 **Effective Date: 12/25/2010 ADMINORDER 2010-0821-AIR-E (1660 Order)**
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(F)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
5C THSC Chapter 382 382.085(b)
Description: Failed to accurately report the emissions of Incident No. 135653.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: SPECIAL CONDITION 1 OP
Description: Failed to prevent unauthorized emissions including 592 pounds of butenes by failing to prevent the shutdown of a compressor during startup.
- 3 **Effective Date: 03/19/2011 ADMINORDER 2010-1465-AIR-E (1660 Order)**
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition No. 1 PERMIT
Description: Failure to prevent unauthorized emissions specifically when liquid isobutene built up in the Oleflex separation vessels.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)
5C THSC Chapter 382 382.085(b)

Description: Failure to comply with the reporting requirement.

4 **Effective Date: 05/22/2011 ADMINORDER 2010-1831-AIR-E (1660 Order)**

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:MAERT PERMIT

Description: Failed to prevent unauthorized emissions during an emissions event. Enterprise failed to prevent a process gas leak through the isolation valves and rupture disk.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
5C THSC Chapter 382 382.085(b)

Description: Failed to include compound descriptive types in the final report.

5 **Effective Date: 02/05/2012 ADMINORDER 2011-0429-AIR-E (1660 Order)**

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Conditions No. 1 PERMIT
Special Terms and Conditions No. 9 OP

Description: Failed to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
5C THSC Chapter 382 382.085(b)

Description: Failed to submit the final record for Incident No. 146803 within two weeks after the end of the emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Conditions PERMIT
Special Terms and Conditions No. 9 OP

Description: Failed to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
5C THSC Chapter 382 382.085(b)

Description: Failed to submit a final record for Incident No. 146894.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Failed to report emissions events that exceeded a reportable quantity.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:GENERAL TERMS AND CONDITIONS OP

Description: Failed to report all instances of deviations.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)
5C THSC Chapter 382 382.085(b)

Description: Failed to provide additional information at the request of the TCEQ.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Failed to submit the initial notification for Incident No. 148850 within 24 hours.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
5C THSC Chapter 382 382.085(b)

Description: Failed to submit a final record for Incident No. 148850.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Conditions PERMIT
Special Terms and Conditions No. 9 OP
Description: Failed to prevent unauthorized emissions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	September 14, 2007	(570542)
Item 2	October 04, 2007	(572683)
Item 3	October 23, 2007	(628181)
Item 4	December 20, 2007	(628183)
Item 5	March 24, 2008	(676345)
Item 6	April 18, 2008	(694742)
Item 7	May 17, 2008	(656986)
Item 8	June 24, 2008	(716228)
Item 9	July 22, 2008	(694744)
Item 10	August 01, 2008	(684640)
Item 11	August 04, 2008	(687899)
Item 12	August 21, 2008	(716229)
Item 13	October 27, 2008	(731749)
Item 14	December 08, 2008	(709762)
Item 15	December 29, 2008	(731751)
Item 16	January 27, 2009	(755142)
Item 17	February 06, 2009	(755141)
Item 18	February 23, 2009	(755140)
Item 19	March 20, 2009	(772268)
Item 20	May 21, 2009	(772270)
Item 21	June 22, 2009	(816817)
Item 22	July 22, 2009	(816818)
Item 23	August 20, 2009	(816819)
Item 24	September 22, 2009	(816820)
Item 25	October 21, 2009	(816821)
Item 26	November 23, 2009	(816822)
Item 27	December 17, 2009	(816823)
Item 28	January 25, 2010	(816824)
Item 29	February 22, 2010	(816816)
Item 30	March 22, 2010	(835122)
Item 31	April 22, 2010	(835123)
Item 32	May 20, 2010	(835124)
Item 33	June 14, 2010	(801826)
Item 34	June 21, 2010	(847567)
Item 35	September 28, 2010	(843218)
Item 36	November 08, 2010	(860369)
Item 37	November 22, 2010	(865940)
Item 38	November 24, 2010	(865933)
Item 39	November 29, 2010	(889392)
Item 40	December 03, 2010	(865932)
Item 41	December 07, 2010	(865930)
Item 42	December 20, 2010	(897764)
Item 43	December 22, 2010	(865931)

Item 44	December 29, 2010	(865935)
Item 45	January 24, 2011	(903651)
Item 46	February 14, 2011	(857784)
Item 47	February 22, 2011	(910546)
Item 48	March 07, 2011	(894391)
Item 49	April 06, 2011	(908466)
Item 50	April 18, 2011	(912865)
Item 51	May 13, 2011	(915443)
Item 52	May 17, 2011	(920477)
Item 53	May 23, 2011	(939499)
Item 54	June 10, 2011	(915472)
Item 55	June 20, 2011	(946902)
Item 56	July 01, 2011	(936412)
Item 57	July 25, 2011	(954170)
Item 58	August 16, 2011	(960747)
Item 59	September 20, 2011	(955766)
Item 60	October 21, 2011	(972818)
Item 61	November 07, 2011	(956486)
Item 62	December 27, 2011	(985788)
Item 63	February 22, 2012	(999455)
Item 64	March 16, 2012	(994424)
Item 65	April 09, 2012	(995716)
Item 66	April 23, 2012	(1011543)
Item 67	May 21, 2012	(1017921)
Item 68	May 31, 2012	(1008088)
Item 69	June 12, 2012	(996359)
Item 70	June 19, 2012	(1008864)
Item 71	July 11, 2012	(1016002)
Item 72	July 23, 2012	(1033023)
Item 73	August 20, 2012	(1039531)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 **Date: 10/31/2007 (628182)** **CN603211277**
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 2 **Date: 12/31/2007 (676346)** **CN603211277**
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 3 **Date: 01/31/2008 (694741)** **CN603211277**
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 4 **Date: 04/30/2008 (694743)** **CN603211277**
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 5 **Date: 08/31/2008 (716230)** **CN603211277**
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

6

Date: 10/31/2008 (731750)**CN603211277**

Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

7

Date: 02/17/2009 (703394)**CN603211277**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(d)(3)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(l)(2)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(l)(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Terms and Conditions No. 1(A) OP
 Description: failure to submit the 40 CFR §60.115b(d)(3) and 40 CFR 60. 665(l)(4) & (2)
 semiannual reports in a timely manner.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.705(l)(2)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.705(l)(3)
 5C THSC Chapter 382 382.085(b)
 Special Terms & Conditions No. 1(A) OP
 Description: failure to submit the 40 CFR §60.705(l)(3) & (2) semiannual report with
 information on all periods in which the pilot flame of the north plant flare was
 absent and all periods when the vent stream is diverted from the flare to the
 atmosphere.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Conditions No. 21(A) PERMIT
 Special Terms and Conditions No. 9 OP
 Description: failure to perform the annual RATA on the NOx, CO, and O2 CEMS by the June
 30, 2007 due date.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Terms and Conditions No. 1(A) OP
 Description: failure to visually inspect the internal floating roof at least once every 12 months.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition no. 26(D) PERMIT
 Special Terms and Conditions No. 9 OP
 Description: failure to visually inspect the internal floating roof at least once every 12 months.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition No. 29(B)(3) PERMIT
 Special Terms and Conditions No. 9 OP
 Description: failure for the NOx and CO CEMS to generate 23 hourly averages per day for
 stationary turbines D4GT0123, D4GT0223, and D4GT0323.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition No. 21(C) PERMIT
 Special Terms and Conditions No. 9 OP
 Description: failure to insure that the NOx and CO CEMS would generate 23 hourly averages
 per day.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition No. 10(B)(3) PERMIT
 Special Terms and Conditions No. 9 OP

Description: failure for the NOx and CO CEMS to generate 23 hourly averages per day,
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition No. 21(C) PERMIT
 Special Terms and Conditions No. 9 OP
 Description: failure to demonstrate compliance with the NOx and CO emission limits while the
 CEMS is off-line during daily calibration failure.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Terms and Conditions No. 1(A) OP
 Description: failure to prevent open-ended lines.

8 **Date: 03/31/2009 (772269) CN603211277**
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

9 **Date: 03/23/2010 (788999) CN603211277**
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)
 Chronic Biomonitoring Requirements PERMIT
 ELMR, No. 1, p. 2 PERMIT
 ELMR, No. 1, p. 2c PERMIT
 Description: Failure to collect effluent samples at the frequency specified in the permit at
 Outfalls 001 and 002.

10 **Date: 04/14/2010 (787086)**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Special Condition 1 PERMIT
 Description: Failed to operate within permitted limits of Air New Source Permit 20698. The
 permitted limits were exceeded during a 45 minute period of time on March 19,
 2005, with the following quantities: 164 lbs NOx, 328 lbs CO, and 1,135 lbs VOC.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5581, Special Condition 1 PERMIT
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failed to operate within permitted limits of Air New Source Permit 5581. Zero
 emissions are authorized from the tank loading operations. Unauthorized
 emissions of propane (11,452 lbs) were released over a 35 minute period of time
 on March 17, 2005.

11 **Date: 06/30/2010 (868529) CN603211277**
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

12 **Date: 07/31/2010 (868530) CN603211277**
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

13 **Date: 08/31/2010 (875427) CN603211277**
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

14 **Date: 08/31/2010 (844336) CN603211277**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)

5C THSC Chapter 382 382.085(b)
Description: Failure to submit the semi-annual deviation report, dated January 9, 2009, within the required 30-day timeframe (Category B3 Violation)

- 15 **Date: 09/30/2010 (882978)** **CN603211277**
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 16 **Date: 02/28/2011 (917780)** **CN603211277**
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 17 **Date: 03/31/2011 (929391)** **CN603211277**
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 18 **Date: 05/20/2011 (767479)** **CN603211277**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term and Condition 1A OP
FOP Special Term and Condition 9 OP
NSR Flexible Permit Special Condition 4C PERMIT
Description: Failure to operate the flares (FL-1, FL-2 and FL-45) without visible emissions exceeding a total of five minutes during any two consecutive hours.
Category C4
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, Special Terms and Condition 1A OP
FOP, Special Terms and Condition 9 OP
NSR, General Terms and Condition 9 PERMIT
NSR, Special Condition 4B PERMIT
Description: Failure to ensure proper combustion and maintain a pilot flame on FL-1.
Category C4 violation
- 19 **Date: 07/05/2011 (920740)**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
MAERT PERMIT
Special Term & Condition 10 OP
Description: Failure to prevent unauthorized emissions. Specifically, Enterprise failed to prevent damage to the primary and secondary ethane pump seals due to cavitation which resulted in the release of unauthorized emissions. (Category B13 Violation)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
Special Term & Condition 2 OP
Description: Enterprise Mont Belvieu Complex (Enterprise) failed to report the incident (Incident #153934) that occurred on April 25, 2011 as required. (Category B19(g)(1) Violation)
- 20 **Date: 07/22/2011 (936992)** **CN603211277**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 OP
Special Terms and Condition 10 OP

Description: Enterprise failed to prevent the overpressurization of the Splitter 1 unit which resulted unauthorized emissions.

- 21 **Date: 08/02/2011 (933360)** **CN603211277**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
MAERT PERMIT
Special Term & Condition 13 OP
Description: Failure to prevent unauthorized emissions due mechanical problems of the unit's compressor. Sub Category: B14.
- 22 **Date: 08/16/2011 (934110)**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
MAERT PERMIT
ST & C 13 OP
Description: Failure to prevent unauthorized emissions due to the reboiler head gasket leak. Sub-category: B14.
- 23 **Date: 08/31/2011 (966835)** **CN603211277**
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 24 **Date: 09/23/2011 (941457)**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Term & Condition 10 OP
Description: Failure to prevent unauthorized emissions. Specifically, Enterprise failed to prevent the activation of the tank truck pressure relief valve. (Category B13 Violation)
- 25 **Date: 10/24/2011 (951019)** **CN603211277**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1 OP
ST&C 10 OP
Description: Failure to prevent unauthorized emissions. Specifically, Enterprise failed to prevent a crack on a 3/4" bleeder valve.
- 26 **Date: 10/31/2011 (978954)** **CN603211277**
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 27 **Date: 11/30/2011 (964211)**
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
NSR 76070 SC 1 PERMIT
Description: Failure to maintain the enricher bottoms controller at 70 % level, resulting in unauthorized emissions from the flare for a duration of 14 hours and 20 minutes
- 28 **Date: 12/12/2011 (952209)** **CN603211277**
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
5C THSC Chapter 382 382.085(b)

ST&C 1 OP
 Description: Failure to limit visible emissions from flares for no more than five minutes in a two-hour period.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 1 PERMIT
 ST&C 10 OP
 Description: Failure to maintain NOx lb/hr limits from MTGT0125 (EPN 42) as specified in NSR Permit 20698.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 1 PERMIT
 ST&C 10 OP
 Description: Failure to maintain CO lb/hr limits from MTGT0125 (EPN 42) and MTHR0128 (EPN 44) as specified in NSR Permit 20698.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 16 PERMIT
 ST&C 10 OP
 Description: Failure to maintain the recirculating caustic solution of Scrubber CS-1 at a pH of 10 or above as specified in NSR Permit 20698.

29 **Date: 12/31/2011 (992133) CN603211277**
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

30 **Date: 01/06/2012 (969636)**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Description: Failure to prevent an emissions event when a contract fugitive emissions technician jarred a high high level shutdown switch, triggering a shutdown of the Refrigeration Compressor, which resulted in unit overpressure and consequent flaring. [Subcategory B13]

31 **Date: 02/29/2012 (1004989) CN603211277**
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

32 **Date: 05/31/2012 (1025676) CN603211277**
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

33 **Date: 05/31/2012 (1008084) CN603211277**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event. Category B13.

34 **Date: 06/14/2012 (1008091)**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Description: Failure to prevent unauthorized emissions during an emissions event (Category B13).

F. Environmental audits:

Notice of Intent Date: 10/12/2009 (782650)

No DOV Associated

Notice of Intent Date: 04/22/2010 (826716)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ENTERPRISE PRODUCTS
OPERATING LLC
RN102323268**

**§ BEFORE THE
§
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2012-2086-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Enterprise Products Operating LLC ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates an industrial natural gas liquids fractionating plant at 10207 Farm-to-Market Road 1942 in Mont Belvieu, Chambers County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During a record review conducted on May 25, 2012, TCEQ staff documented that the Respondent released 43,194 pounds ("lbs") of isooctene from the IsoOctene Columns Bottom Filter ("ICBF"), Emissions Point Number ("EPN") F-1, and 494.93 lbs of volatile organic compounds, 315.50 lbs of carbon monoxide and 186.64 lbs of nitrogen oxide from the North Flare, EPN 45, during an emissions event (Incident No. 165657) that began on August 3, 2008 and lasted nine hours and thirty-seven minutes. The emissions event occurred when the Respondent failed to test the material compatibility of the O-ring in the gasket with the material in the ICBF, which resulted in a leak. The TCEQ determined that the emissions event could have been avoided by better operating practices and was reported late.
4. The Respondent received notice of the violations on August 21, 2012.
5. The Executive Director recognizes that by August 9, 2010, the Respondent implemented procedures to prevent recurrence of emissions events due to same or similar causes as Incident No. 165657.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 116.715(a), TCEQ Flexible Permit Nos. 76070 and PSDTX1057, Special Conditions Nos. 1, and Permit Nos. 20698 and PSDTX797M1, Special Conditions No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b). Since this emissions event could have been avoided by better operating practices and was reported late, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Ten Thousand Dollars (\$10,000) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Five Thousand Dollars (\$5,000) of the administrative penalty. Five Thousand Dollars (\$5,000) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Ten Thousand Dollar (\$10,000) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Enterprise Products Operating LLC, Docket No. 2012-2086-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

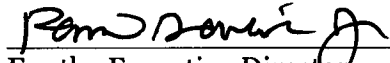
2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 4 above, Five Thousand Dollars (\$5,000) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the

- Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
 7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
 8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
 9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
 10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

4/9/13

Date

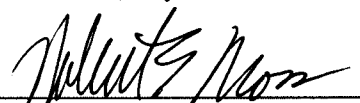
I, the undersigned, have read and understand the attached Agreed Order in the matter of Enterprise Products Operating LLC. I am authorized to agree to the attached Agreed Order on behalf of Enterprise Products Operating LLC, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Enterprise Products Operating LLC waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

1/8/2013

Date

Robert E. Moss

Vice President - Houston Region Operations

Name (Printed or typed)
Authorized Representative of
Enterprise Products Operating LLC

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2012-2086-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Enterprise Products Operating LLC
Penalty Amount:	Ten Thousand Dollars (\$10,000)
SEP Offset Amount:	Five Thousand Dollars (\$5,000)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Recipient:	Barbers Hill Independent School District
Project Name:	<i>Barbers Hill Energy Efficiency Program</i>
Location of SEP:	Chambers and Harris Counties

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the **Barbers Hill Independent School District** for the *Barbers Hill Energy Efficiency Program*. The contribution will be used in accordance with the SEP agreement between the Third-Party Recipient and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used for: 1) the cost of conducting energy efficiency audits; 2) the incremental cost for construction or implementation of energy-efficiency upgrades (versus the cost of non-energy efficiency upgrades); 3) the incremental cost of purchase of more energy-efficient equipment or appliances (versus the cost of purchasing non-energy efficient equipment or appliances); or 4) other direct costs authorized in advance by TCEQ.

The Third-Party Recipient shall use the SEP Offset Amount to conduct energy efficiency audits on its buildings to prioritize implementation of energy efficiency projects. The Third-Party Recipient shall submit the results of those audits along with any proposed modifications and associated budgets and proposal for expenditure to TCEQ. Modifications may include weatherization, cool roofs, energy-reduction modifications such as replacing heating, ventilation, and cooling systems with more efficient boilers, motors, and variable-speed drives; reducing energy and maintenance costs by installing centralized energy management systems; lowering electric lighting and cooling loads and

boosting productivity through increased use of day-lighting, installation of light emitting diode traffic lights, and use of renewable energy sources.

The Third-Party Recipient shall quantify the environmental benefit of each project and submit the results of those calculations to TCEQ within 90 days of completion of each project.

The Third-Party Recipient certifies that it has no prior budgetary commitment to do this project nor is it receiving duplicative funding. The Third-Party Recipient agrees to disclose to TCEQ any additional sources of funding it receives to perform any portion of the projects described herein or for which it intends to utilize the SEP Offset Amount. The Third-Party Recipient certifies that it shall not use the SEP Offset Amount to assist in complying with any governmental rule or regulation and that it is not required to perform this project under any existing rule or law. The Third-Party Recipient agrees to use a competitive bid process or other mechanism to ensure that costs of the project are reasonable and customary. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment.

Respondent's signature affixed to this Agreed Order certifies that Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Implementation of this project will reduce fuel and electricity usage for heating and cooling and other day-to-day operations. These reductions will reduce emissions of particulate matter, volatile organic carbon compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel and generation of electricity.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall make the check

Enterprise Products Operating LLC
Agreed Order - Attachment A

payable to **Barbers Hill Independent School District SEP** and shall mail the contribution with a copy of the Agreed Order to:

John Johnson, Esquire
Carl R. Griffith & Associates, Inc.
2901 Turtle Creek Drive, Suite 445
Port Arthur, Texas 77642

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3, above the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the “Clean Texas” (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.